

## **REMARKS**

### **Restriction Requirement**

The Examiner has withdrawn claims 11-15 (method claims) from this Continuation Application as being directed to a different statutory invention than the invention (apparatus claims) as originally presented in the Parent Application (Serial No.: 09/968,466).

Applicant hereby elects, with traverse, to prosecute claims 9-10 (apparatus claims).

### **Claim Rejections 35 U.S.C. § 102 (b)**

The Examiner has rejected claims 9-10 under 35 U.S.C. § 102 (b) as being anticipated by Uzoh et al. (US 5,807,165).

Applicant respectfully disagrees with the Examiner. Applicant has amended claims 9-10 and added new claims 16-29. Support is provided in paragraphs 17 and 20-21 in the specification.

Claim 9, as amended, of Applicant's claimed invention claims an apparatus (100) including: a polishing pad (120), the polishing pad located over a platen (110); a slurry (150) located on the polishing pad; a wafer (160) located on the polishing pad and the slurry, the wafer mounted in a wafer carrier (180); a power supply (190) to apply a voltage between the polishing pad and the wafer; and a

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computer (200), the computer to vary the voltage during operation of the apparatus. See Figure 1.

In contrast, the Uzoh et al. reference cited by the Examiner teaches an apparatus (60) including a rotatable workpiece carrier (66), a plurality of workpiece electrodes (67) disposed in a recess R of the carrier, a rotatable platen (62) attached to a rotatable shaft (68), a platen electrode (63) attached to the platen, a polishing pad (64) mounted on the platen, a means for urging the carrier against the pad, a slurry supply system in fluid communication with the pad, and a source (80) to vary magnitude and polarity of current as a function of time. See Figures 7-10 and 14. Also, see Col. 5, lines 44-51 and lines 10-22.

However, Uzoh et al. does not teach varying the voltage between the pad and the workpiece during operation of the apparatus. Thus, Uzoh et al. does not teach each and every element of Applicant's invention, as claimed in claim 9. Consequently, Uzoh et al. does not anticipate claim 9, as amended, of Applicant's claimed invention.

Claim 10, as amended, is dependent on claim 9, as amended, and, thus, is also not anticipated by Uzoh et al.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections to claims 9-10 under 35 U.S.C. § 102 (b).

### Conclusion

Applicant believes that all claims pending, including new claims 16-29, are now in condition for allowance so such action is earnestly solicited at the earliest possible date.

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Pursuant to 37 C.F.R. § 1.136 (a) (3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time.

Should there be any additional charge or fee, including extension of time fees and fees under 37 C.F.R. § 1.16 and § 1.17, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Respectfully submitted,

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